

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

APR - 1 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of Cable Television)
Consumer Protection and)
Competition Act Of 1992)
)
Cable Home Wiring)

MM Docket No. 92-260

To: The Commission

**PETITION OF LIBERTY CABLE COMPANY, INC.
FOR RECONSIDERATION AND CLARIFICATION**

1. Liberty Cable Company, Inc. ("Liberty"), pursuant to Section 1.429 of the Commission's rules, requests the Commission to reconsider and clarify the Report and Order in this proceeding released on February 2, 1993, FCC 93-73 ("Order"). Liberty requests reconsideration and clarification because the Commission's definition of "cable home wiring" in multiple dwelling units ("MDUs") is arbitrary, unworkable and will not serve its intended purpose.

I. Upon Reconsideration the Commission Should Locate the Demarcation Point for Cable Home Wiring In MDUs At That Point Outside A Subscriber's Premises and Within the Common Areas of the MDU Where Existing Wiring Is First Readily Accessible.

2. A basic premise of the Cable Act of 1992 was to promote increased competition to cable by alternate providers.^{1/} One means by which Congress intended to promote such competition was in

^{1/}See Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, Sections 2(a)(6), 2(b)(1-2), 106 Stat.

allowing alternate providers to access existing cable home wiring without disrupting the interior of a subscriber's home, making it effortless for the subscriber to switch from cable service to service by the alternate provider.^{2/}

3. The Commission recognized Congress' intent in the Order, stating that the definition of cable home wiring it adopted was intended to "give alternate providers adequate access to the cable home wiring so that they may connect the wiring to their systems without disrupting the subscriber's premises."^{3/} The Order, however, failed in its intent because the Commission was unfamiliar with common MDU construction practices, which would make the Order practically meaningless.

4. In its comments in this proceeding, Liberty defined cable home wiring as the cable that runs from a subscriber's television set to the feeder cable in the building and defined the feeder

twelve inches outside of where the cable wire enters the outside wall of the subscriber's individual dwelling unit."^{5/} The Commission intended that this would provide alternate providers with access to a subscriber's existing cable wiring without disrupting the interior of the subscriber's apartment.^{6/}

6. In this the Commission failed. In Liberty's experience, the definition of cable home wiring in MDUs adopted in the Order will, in many cases, not permit alternate providers to connect subscribers to their systems without destroying the subscriber's premises or the MDU. Indeed, the Order's definition of cable home wiring could frustrate alternate providers' ability to serve MDUs and thus deny consumers a competitive choice.

7. Liberty's experience is that there are many MDUs in Manhattan where, as a practical matter, defining the "demarcation point" for cable home wiring as being twelve inches outside the subscriber's premises is meaningless and useless. It is true that in some newer MDUs cable wiring can be readily accessed near the door of individual apartments. However, in many older MDUs, wire within twelve inches of a subscriber's premises is buried in a

installed their feeder cables in the stairwells of the MDUs. In these MDUs, individual wires run from each subscriber's premises to the cable operator's feeder cables in the stairwells. The individual subscriber wires joining the subscriber's apartment to the feeder cables in the stairwells are typically not accessible

adopt a demarcation point at the point outside the customer's premises and within the common areas of the MDU (E.g., stairwells, hallways, basements or rooftops) at which the individual subscriber's wires can be detached from the cable operator's common wires without destroying the MDU and without interfering with the cable operator's provision of service to other residents in the MDU. This is a practical demarcation point and one which will accommodate the many different variations in MDU construction. Such a demarcation point will, moreover, moot disputes over whether individual subscriber lines and the conduits or molding in which they are installed belong to the franchised cable operator or the building owner.

II. The Commission Should Clarify That Cable Home Wiring Includes Passive Equipment Such As Splitters, Conduits and Molding.

11. The Order provides that cable home wiring does not include "active elements such as amplifiers, decoder boxes or similar apparatuses."^{7/} It is unclear from this definition whether passive ancillary equipment, such as splitters or conduits is cable home wiring.

12. The Commission should clarify that cable home wiring includes passive ancillary equipment such as splitters and conduits or molding in which the cable is installed. This will allow Liberty and other cable competitors to avoid problems that arise

^{7/}Order at para. 8.

when space constraints prohibit the installation of multiple
splitters or conduits to access an individual subscriber's wires.^{8/}

III. When Remediation The Committee Should Include Within

though system" or common wire wish to terminate franchised cable service and subscribe to the service of an alternate provider.

For the foregoing reasons, Liberty requests the Commission to reconsider and clarify its cable home wiring rules in the manner set forth above.

Respectfully submitted,

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